

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	1957.02
COMPLAINT INVESTIGATOR:	John Hill
DATE OF COMPLAINT:	September 30, 2002
DATE OF REPORT:	October 21, 2002
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	December 18, 2002

COMPLAINT ISSUES:

Whether the Kokomo-Center Township Consolidated School Corporation and the Kokomo Area Special Education Cooperative violated:

511 IAC 7-25-5 by requiring the parent to sign a release of information form as a condition of an independent educational evaluation at public expense.

FINDINGS OF FACT:

1. The Student is nine-years-old and attends the elementary school (the "School"). The Student has been determined eligible for special education and related services as a student with a learning disability.
2. The School's procedures for independent educational evaluations, dated September 2002, states, "The school may ask the parents to sign a release of information so that the school can contact the independent evaluator and share school records. However, the school cannot require it if the parent refuses."
3. The School sent a letter to the parent, dated September 23, 2002 indicating that an independent evaluation would be completed at public expense as requested by the parent. The letter indicated that the parent needed to sign the attached release of information form and to return it to the school.

CONCLUSIONS:

1. Finding of Fact #2 establishes that the School's procedures do not require the parent to sign a release of information form as a condition of an independent evaluation, however, Finding of Fact #3 reflects that the School's letter to the parent did indicate that the parent needed to sign the release of information form as a condition of the independent evaluation. Therefore, a violation of 511 IAC 7-25-5 is found.

The Department of Education, Division of Exceptional Learners requires the following corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

1. Submit an assurance letter to the Division no later than November 15, 2002, that all correspondences regarding independent evaluations will clearly indicate that it is not a requirement that the parent sign a release of information as a condition of an independent evaluation process.